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Remarks of Representative Lee Nerison
on Assembly Bill 605 / Senate Bill 498
Senate and Assembly Committees on Agriculture
February 23, 2012

Good morning, fellow committee members. I testify today in support of Assembly Bill 605, which I have authored, and its companion bill, Senate Bill 498, which is authored by Senator Dale Schultz.

This legislation makes a much-needed, common-sense change to current law concerning the Department of Agriculture, Trade, and Consumer Protection's (DATCP) pest abatement authority.

Currently, DATCP has the authority to order the owners of agricultural lands or agricultural business premises to treat or remove and destroy pest-infected plants and materials. DATCP first determines that plants or other materials are so infested with pests that they constitute a hazard to plant or animal life before acting on this authority.

This legislation expands DATCP's current pest abatement authority so that it is not limited to just agricultural lands and agricultural business premises. It does not give DATCP any other authority and it does not affect the Department of Natural Resources' pest abatement authority.

Keep in mind that zoning boundaries are something that humans create; pests are not contained by them. A gypsy moth or an emerald ash borer doesn't know to stay only on agriculturally-zoned lands.

DATCP's ability to effectively eliminate pests is hampered under current law. Passing this legislation is a way that we can help the department to continue to be responsive in its desire to protect and preserve both agricultural lands and our urban communities.

Thank you for your time and consideration of this proposal.

Testimony before the Senate Committee on Agriculture, Forestry and Higher Education

Testimony before the Assembly Committee on Agriculture

Thursday, February 23, 2012

Good morning Chairperson Schultz and Committee Members. Good morning Chairperson Nerison and Committee Members.

My name is John Petty. I am the Administrator of the Division of Agricultural Resource Management at the Department of Agriculture, Trade and Consumer Protection. Secretary Brancel has asked me to provide you with information regarding the pest abatement authority of the Department of Agriculture, Trade and Consumer Protection as it relates to AB 605 and SB 498.

The Department of Agriculture, Trade and Consumer Protection (DATCP) is the agency with authority and responsibility to protect Wisconsin plant life from injurious pests and diseases. DATCP uses its authority to eradicate plant pests and diseases before they become established, when it is most cost effective to address the pest. DATCP also works to control the spread of plant pests that can't be eradicated. These efforts provide significant economic value to the agricultural and forestry sectors of the state economy.

Chapter 94, grants DATCP the authority concerning the abatement of pests, however the language includes a specific limitation to "agricultural lands" and "agricultural business premises". When this legislation was written in 1975, crop pests made up the universe of pest and disease concerns. The world has changed significantly since then and the arrival of exotic plant pests has increased substantially with the increase in global trade (gypsy moth, emerald ash borer, etc.) Pests know no boundaries and are not limited to the agricultural setting. In fact exotic pests often are detected in the urban setting first before they move into the agricultural and forest settings.

Language in Chapter 93 provides DATCP authority to declare and manage emergencies relating to the detection and control of pests injurious to plants, however due to the very specific language in Chapter 94, DATCP's authority is currently limited to agricultural settings. This limits DATCP's ability to respond quickly and appropriately to new pest outbreaks and infestations when they can be addressed most cost effectively.

DATCP works cooperatively and coordinates closely with the Department of Natural Resources (DNR) and this change does not affect the authority of the DNR under ch. 26. DATCP and the DNR utilize memorandum of agreements to coordinate pest control work of their departments, as required by statute.